

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant (s):** Victor Marcus Lewis, et al.**Examiner:** Unassigned**Serial No.:** 09/744,123**Art Unit:** Unassigned**Filed:** January 19, 2001**Docket:** 14219**Int'l Filing Date:** July 15, 1999**For:** IMPROVED QUICK-COOK
DEHYDRATED VEGETABLESAssistant Commissioner for Patents
Washington, DC 20231Attention: Refund Section, Accounting Division
Office of Finance**SUBMISSION OF A VERIFIED STATEMENT
CLAIMING SMALL ENTITY STATUS AND REQUEST FOR
REFUND OF EXCESS OF PREVIOUSLY SUBMITTED FEE**

Sir:

A verified statement claiming Small Entity Status pursuant to 37 C.F.R. §§1.9(f), 1.27 (b) is being submitted herewith to the Application Division for filing in the subject application for letters patent.

In view of the above submission, applicant(s) request(s) refund of the excess of the filing fees paid on January 19, 2001 in the above-identified case. The refund requested is the excess or difference between:

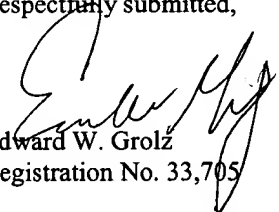
the fee paid \$1400.00

less the amount due for a small entity

excess = \$700.00

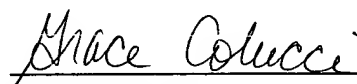
Applicant(s), therefore, request(s) a refund of \$700.00

Respectfully submitted,


Edward W. Grolz
Registration No. 33,705SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on March 12, 2001.

Dated: March 12, 2001


Grace Colucci

19 JAN 2001

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

14219

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)

09/744123

INTERNATIONAL APPLICATION NO.

PCT/AU99/00573

INTERNATIONAL FILING DATE

15 July 1999 (15.06.99)

PRIORITY DATE CLAIMED

20 July 1998 (20.07.98)

TITLE OF INVENTION

IMPROVED QUICK-COOK DEHYDRATED VEGETABLES

APPLICANT(S) FOR DO/EO/US

Victor Marcus Lewis, David Adrian Lewis and Deborah Ann Lewis

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
- a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
- b. ☒ has been transmitted by the International Bureau.
- c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☒ A copy of the International Search Report (PCT/ISA/210).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
- a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
- b. ☐ have been transmitted by the International Bureau.
- c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
- d. ☒ have not been made and will not be made.
- ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

Courtesy copy of international application

Assignee Byron Australia Pty Ltd.

Assignee Residence: Ruschcutters Bay, NSW, Australia

U.S. APPLICATION NO. (IF KNOWN), SEE 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">09/74412</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 5px;">PCT/AU99/00573</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 5px;">14219</div>
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21. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right; font-weight: bold; margin-top: 5px;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY																																																																													
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$1,000.00																																																																													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:10%;">RATE</th> <th style="width:15%;"></th> <th style="width:10%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>16 - 20 =</td> <td>0</td> <td>x \$18.00</td> <td></td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$80.00</td> <td></td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td colspan="4" style="padding: 5px;">Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/></td> <td></td> <td style="text-align: right;">\$270.00</td> </tr> <tr> <td colspan="5" style="text-align: right; font-weight: bold; padding: 5px;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: right;">\$1,400.00</td> </tr> <tr> <td colspan="5" style="padding: 5px;">Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/></td> <td style="text-align: right; padding: 5px;">\$0.00</td> </tr> <tr> <td colspan="5" style="text-align: right; font-weight: bold; padding: 5px;">SUBTOTAL =</td> <td style="text-align: right; padding: 5px;">\$1,400.00</td> </tr> <tr> <td colspan="4" style="padding: 5px;">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).</td> <td style="text-align: center; padding: 5px;">+</td> <td style="text-align: right; padding: 5px;">\$0.00</td> </tr> <tr> <td colspan="5" style="text-align: right; font-weight: bold; padding: 5px;">TOTAL NATIONAL FEE =</td> <td style="text-align: right; padding: 5px;">\$1,400.00</td> </tr> <tr> <td colspan="5" style="padding: 5px;">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/></td> <td style="text-align: right; padding: 5px;">\$0.00</td> </tr> <tr> <td colspan="5" style="text-align: right; font-weight: bold; padding: 5px;">TOTAL FEES ENCLOSED =</td> <td style="text-align: right; padding: 5px;">\$1,400.00</td> </tr> <tr> <td colspan="5" style="padding: 5px;"></td> <td style="text-align: right; padding: 5px;">Amount to be: refunded \$</td> </tr> <tr> <td colspan="5" style="padding: 5px;"></td> <td style="text-align: right; padding: 5px;">charged \$</td> </tr> </tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	16 - 20 =	0	x \$18.00		\$0.00	Independent claims	2 - 3 =	0	x \$80.00		\$0.00	Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/>					\$270.00	TOTAL OF ABOVE CALCULATIONS =					\$1,400.00	Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>					\$0.00	SUBTOTAL =					\$1,400.00	Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$0.00	TOTAL NATIONAL FEE =					\$1,400.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>					\$0.00	TOTAL FEES ENCLOSED =					\$1,400.00						Amount to be: refunded \$						charged \$
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☒ A check in the amount of **\$1,400.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **19-1013/SSMP** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Leopold Presser SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza Garden City, New York 11530 (516) 742-4343	<div style="text-align: center;"> SIGNATURE Leopold Presser NAME 19,827 REGISTRATION NUMBER January 19, 2001 DATE </div>
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Victor Marcus Lewis, et al.

Docket No.

14219

Serial No.

09/744123

Filing Date

Unassigned

Examiner

Unassigned

Group Art Unit

Unassigned

Invention: IMPROVED QUICK-COOK DEHYDRATED VEGETABLES

I hereby certify that the following correspondence:

PCT Application

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

January 19, 2001

(Date)

Janet Giordano

(Typed or Printed Name of Person Mailing Correspondence)

Janet Giordano

(Signature of Person Mailing Correspondence)

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("Express Mail" Mailing Label Number)

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